

REQUEST FOR JUDICIAL NOTICE

EXHIBIT B

**SENATE COMMITTEE ON JUDICIARY
Bill Lockyer, Chairman
1989-90 Regular Session**

AB 2683 (Floyd)
As amended March 20, 1990
Hearing date: June 19, 1990
Civil Code
ART

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CIVIL RIGHTS: ACTIONS TO ENJOIN UNLAWFUL INTERFERENCE

HISTORY

Source: Tom Adler, private attorney

Prior Legislation: None

Support: California Attorneys for Criminal Justice; California
Trial Lawyers Association;

Opposition: Unknown (The Association for California Tort Reform
had opposed the bill as introduced)

Assembly Floor vote: Ayes 42 - Noes 21

KEY ISSUE

SHOULD CALIFORNIA'S CIVIL RIGHTS STATUTE PROVIDE A PERSON DENIED
HIS OR HER CONSTITUTIONAL RIGHTS A CAUSE OF ACTION FOR DAMAGES?

PURPOSE

Existing law authorizes the Attorney General, district attorneys,
city attorneys, and aggrieved individuals to bring actions for
injunctive and other appropriate equitable relief to protect the
peaceable exercise and enjoyment of rights secured by state and
federal laws or constitutions against interference or attempted
interference by threats, intimidation or coercion.

(More)

Existing law also provides for court awarded attorneys fees and for the criminal prosecution of violators of court orders issued pursuant to its provisions.

This bill would specifically provide that an aggrieved individual may seek damages in actions brought under the Act.

COMMENT

1. Background

In 1986, the Office of the Attorney General sponsored legislation which sought to implement recommendations of its Commission on Racial, Ethnic, Religion and Minority Violence. The Commission was established, in part, to determine whether existing remedies were adequate to combat what appeared to be an increase in "hate violence" (i.e. violence which is motivated by the victim's race, color, religion, ancestry, national origin or sexual orientation.)

As a result of the Commission's work, the AG sponsored AB 63 (Bane) - Chapter 1277, Statutes of 1987. This bill enhances criminal penalties for acts constituting hate violence and authorized the AG, district attorney, city attorneys, aggrieved individuals to bring actions for injunctive and other equitable relief to protect the peaceful exercise and enjoyment of constitutional and statutory rights against interference or attempted interference by threats, intimidation or coercion.

2. Stated need for the bill

According to the proponent of the bill, the current wording of the State's Civil Rights Act does not provide sufficient encouragement to public and private groups to bring civil actions to curb "hate violence". He suggests that the absence of damages award as an available remedy under the Act may have been an oversight but one which may discourage civil litigation aimed at curbing an increasing number of incidents of hate violence in the state.

The proponent points to the case in Alabama where a jury returned a seven million dollar verdict against the Klu Klux Klan for the lynching death of a 19 year old student. This verdict resulted in the seizure of the Klan's headquarters in order to satisfy the judgment. Supporters of the bill state that "an important weapon against these groups would be encouraging civil litigation against them which destroys their financial resources."

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3. Statistics on hate crimes

According to the Klanwatch Intelligence Division, a watchdog organization that gathers information on hate violence, there appears to be a dramatic rise in racist violence. Statistics gathered by this group indicate that of 206 bias incidents reported for the entire nation in 1989, 41 of these hate incidents occurred in California.

4. Equitable remedies

Presently, a victim whose constitutional (civil) rights have been violated has only injunctive or equitable relief and is not allowed to seek other damages. Unfortunately, many times equitable relief or an injunction alone does not provide relief because the damage has already been done. For example, cross burning in someone's front lawn or the desecration of Jewish tombs are acts for which an injunction or other equitable remedy would not cure the wrong nor would it deter the conduct which is violative of a person's civil rights.
